HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15599 of 2005

Dated:25.07.2007

Between:

Dr.Baba Saheb B.R.Ambedkar Yuvajana Seva Sangham.

…Petitioner

and

The District Collector, Visakhapatnam District and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15599 of 2005

ORDER:

Dr.Baba Saheb B.R.Ambedkar Yuvajana Seva Sangham filed instant Writ Petition seeking a writ of *mandamus* directing respondents 1 to 4 to distribute house site pattas to all the Scheduled Caste candidates, included in the list of 50 eligible candidates prepared by the Mandal Revenue Inspector (MRI) and Land Assistant Statistical Officer, Munagapaka Mandal.

An extent of Acs.12.56 of land in survey Nos.30 (part), 34 (part), 35 (part), 36 (part) and 37 situated at Munagapaka Village, was identified for preparation of a layout for providing house sites to weaker sections, like Scheduled Castes (SCs), Scheduled Tribes (STs), Backward Communities (BCs), Minorities and Other Backward Classes (OBCs). A layout was prepared earmarking 516 plots admeasuring 60 square yards each. As per the orders of the Government in G.O.Ms.No.90, Social Welfare (LA.I) Department, dated 24.09.2001, it was directed that the land acquired for providing house sites to weaker sections be utilized by allotting the house sites to SCs/STs/BCs/Minorities/OBCs, in the ratio of 40%/10%/30%/10%/10%.

The Mandal Revenue Officer (MRO), after following necessary procedure, allotted the land to 365 eligible beneficiaries. The beneficiaries included 49 SCs, 1 ST, 297 BCs and 18 OBCs. The remaining 151 plots were kept vacant. Questioning the action of the respondents in not distributing plots to eligible SCs, as per the ratio

fixed by the Government, in G.O.Ms.No.90, dated 24.09.2001, the petitioner-society filed W.P.No.11803 of 2005. At that stage, having come to know that the local Member of Legislative Assembly proposed for the distribution of the plans of house sites to the party men, the petitioner-society organized hunger strikes at the office of the third respondent. As a result of this, a further survey was conducted and a list of 50 beneficiaries eligible for house sites was prepared. The petitioner-society alleges that when the MRO called for objections, objections were not received, and therefore, the MRO ought to have issued house site pattas. It was not done, in spite of representations made by the petitioner-society. Therefore, they filed instant Writ Petition and obtained interim orders directing the respondents not to distribute the plans of house sites.

The respondents filed W.V.M.P.No.2832 of 2005 for vacating the interim order. At that stage itself, the matter is heard finally and is being disposed of by this order.

The counter-affidavit filed by the MRO, Munagapaka, does not dispute most of the petition allegations. It is, however, averred that after initial distribution of house site pattas, 93 beneficiaries have been selected in Grama Sabha and the same was also approved by the Revenue Divisional Officer, Visakhapatnam, and the pattas were distributed in 2003. Due to pressure from the public for issue of remaining house sites pattas, lists have been received from Akilapaksham, Munagapaka. These lists were got enquired into by the Revenue staff. The MRI submitted a list of 50 eligible beneficiaries and objections were invited. No objections were received by 23.06.2005. However, the Sarpanch and other villagers raised objections with regard to certain names included in the list of 50 beneficiaries. In consultation with them, the MRO prepared a final list of 22 beneficiaries and prepared house site pattas for distribution. The petitioner-society, however, refused to receive 22 pattas insisting that all the 50 beneficiaries included in the list prepared by the MRI should be distributed the house site pattas. It is further averred that other members of SC Community of Munagapaka are not eligible, and therefore, they cannot be granted house site pattas, as per the ratio in G.O.Ms.No.90, dated 24.09.2001.

After hearing learned counsel for the petitioner-society and learned Assistant Government Pleader for Revenue (Assignment), the question that remains to be considered is whether 28 persons belonging to SC Community, who were initially included in the list of 50 beneficiaries prepared by MRI but are not included in the final list prepared by the MRO, are eligible for house site pattas or not?

As seen from the counter-affidavit, when the staff members of

revenue department from various mandals were deputed to Munagapaka Mandal to conduct enquiry, all the 50 persons included in the list were found to be eligible. The MRO (legal cell) consulted the village elders and deleted 28 persons from the list before preparing a list of 22 eligible beneficiaries. The reasons for deleting these 28 persons were not informed to the petitioner-society or the individual beneficiaries. Secondly, even according to the counter-affidavit, by 23.06.2005, which was fixed as the last date for filing objections, no objections were received. In such an event, this Court is not able to comprehend the rationale behind the MRO (legal cell) again consulting the village elders and Sarpanch. This is certainly a matter, which requires a further enquiry. As this Court is not a proper forum to decide whether a person belonging to SC Community is eligible for grant of house site patta or not, it would be better if the MRO again enquires into the matter.

For the above brief reasons, the Writ Petition is disposed of directing the third respondent, namely, MRO, Munagapaka, to conduct enquiry with regard to eligibility of 28 persons whose names were initially included in the list prepared by the MRI and if for any reason, the third respondent comes to a conclusion that those 28 persons are not eligible for assignment of house sites, he may pass a reasoned order and communicate the same to all the individuals. This exercise may be completed within a period of four months from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

25.07.2007

GJ